

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

## **MEMORANDUM AND ORDER**

This matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated January 11, 2011. In that Report and Recommendation, the Magistrate Judge recommends that the plaintiff's Motion for Judgment on the Pleadings, [Doc. 15], be granted to the extent of remanding the case "to an Arbitrator to hear proof on, and decide, how much back pay should be awarded to plaintiff, as well as any other benefits he lost as a result of his termination." No objections have been filed to this Report and Recommendation. After careful consideration of the record as a whole and after careful consideration of the Report and Recommendation of the United States Magistrate Judge, and for the reasons set out in that Report and Recommendation

which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and **APPROVED**, [Doc. 20], and that plaintiff's Motion for Judgment on the Pleadings, [Doc. 15], be **GRANTED** to the extent of **REMANDING** the case to an Arbitrator to decide the issue of "make whole" relief, which should include the issues of prejudgment interest and attorney fees. In addition, this Court declines to award prejudgment interest and attorney's fees.

E N T E R:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE